IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.116 OF 2006
IN
CRIMINAL APPEAL NO.701 OF 2005

Shri.Vitthal Mallappa Birajdar ..Applicants
and Others

Vs.

The State of Maharashtra ..Respondent

Mr.Nitin Pradhan, Senior Advocate for the Applicants.
Dr.F.R.Shaikh, Addl.P.P. for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
S.C.DHARMADHIKARI,JJ.

DATE : 12TH OCTOBER,2007.

P.C.

1. Heard the learned Senior Counsel Mr.Pradhan for the Applicants and Dr.F.R.Shaikh, the learned Additional P.P.for the State. Perused the Trial Court Judgment as well as the chart submitted by Mr.Pradhan the learned Senior Counsel for the Applicants. We have also perused our order dated 18th October,2006 in Criminal Application No.103 of 2006 in Criminal Appeal No.675 of 2005, wherein this Court had granted bail to the Applicants, who are all female accused.

2. Mr.Pradhan, the learned Senior Counsel, at the outset made it clear that he is not pressing the bail application with regard to the male members in the above and he is only pressing bail application for the Applicant Nos.4,5,6 and 7, who are original Accused Nos.24,25,29 and 14 respectively.

3. As far as Applicant No.7 original Accused No.14 Sou.Shantawwa Irappa Basargi is concerned, there is no mention about her name in the FIR and also there is no mention about her name by any of the witnesses with regard to the incident. Under these circumstances, she would be entitled to the bail.

4. As far as Applicant No.4 original Accused No.24 Sou.Bhourawwa Gurappa Birajdar is concerned, there is no mention about her name in the FIR. It may also be noted that she has a one and half years old infant child, who is staying with her in the Jail. There are two eye witnesses in the above. As far as P.W.No.4 Manohar is concerned, he had not attributed any role to Applicant No.4. As far as the evidence of eye witness P.W.No.17 Jagannath is concerned, he only stated that Applicant No.4 was present however attributed no role to her. Hence, Applicant No.4 also entitled to the bail.

5. As far as Applicant No.5 original Accused No.25 Annusaya Vithal Birajdar is concerned, there is no mention about her name in the FIR. Similarly, P.W.No.4 Manohar does not even refer to her, and P.W.No.17 Jagannath also only states that she was present and no role was attributed to her. Hence, she is entitled to bail.

6. As far as Applicant No.6 original Accused No.29 is concerned, there is no mention about her name in the FIR and as of today she is of 67 years old and also there is no mention about her name in the evidence of P.W.No.4 Manohar and in the evidence of P.W.17 it is only mentioned that Applicant No.6 was only present at the time of incident. Hence, she is also entitled to the bail.

7. Under these circumstances, we are inclined to grant bail to Applicant Nos.4,5,6 and 7 original Accused No.24,25,29 and 14 respectively and they be released on bail on furnishing a bond of Rs.20,000/- each and two sureties of like amount.

8. As far as the bail with regard to other Applicants are concerned, Mr.Pradhan, the learned Senior Counsel is not pressing the same. Hence, the bail Application stands disposed of in terms of the above.

(S.C.DHARMADHIKARI,J.) **(DR.S.RADHAKRISHNAN,J.)**